

AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 271

Introduced by Assembly Member Obernolte
(Coauthor: Senator Morrell)

February 10, 2015

An act to amend ~~Section~~ *Sections 8227.3 and 8262.1* of, and to add ~~Sections 8227.4 and~~ *Section 8227.5* to, the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

AB 271, as amended, Obernolte. Child care: alternative payment programs and contractors: electronic records.

The Child Care and Development Services Act, administered by the State Department of Education, provides that children from infancy to 13 years of age are eligible, with certain requirements, for child care and development services. The act requires the department to contract with local contracting agencies to provide for alternative payment programs, and authorizes alternative payment programs for services provided in licensed centers and family day care homes and for other types of programs that conform to applicable law. Existing law authorizes alternative payment programs and providers and other contractors providing child care development services to maintain records in electronic format if the original documents were created in electronic format, including, but not limited to, child immunization records.

This bill would authorize contractors *and alternative payment programs and providers* to maintain any records electronically, *as provided*, regardless of whether the original documents were created

in electronic format. ~~The bill would authorize alternative payment programs and providers to retain a case record using either electronic or other alternative storage technologies, as provided. The bill would authorize alternative payment programs and providers to use an electronic signature, as provided. The bill would require the above provisions relating to the electronic maintenance of records or electronic signatures to be in compliance with state and federal standards, as determined by the department.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 8227.4 is added to the Education Code,~~
2 ~~to read:~~
3 ~~8227.4. Notwithstanding any other law, including Section~~
4 ~~8227.3, alternative payment programs and providers may retain a~~
5 ~~case record using either electronic or other alternative storage~~
6 ~~technologies. Permissible alternative storage technologies shall~~
7 ~~include, but not be limited to, photography, microphotography,~~
8 ~~electronically recorded video images on magnetic surfaces,~~
9 ~~electronic data processing systems, optical disk storage, or any~~
10 ~~other electronic medium that is a trusted system and that does not~~
11 ~~permit additions, deletions, or changes to the original document~~
12 ~~and meets all necessary state and federal laws for recording of~~
13 ~~permanent records or nonpermanent records. A duplicate copy of~~
14 ~~any record reproduced shall be deemed an original.~~
15 ~~SECTION 1. Section 8227.3 of the Education Code is amended~~
16 ~~to read:~~
17 ~~8227.3. (a) Alternative payment programs and providers~~
18 ~~operating or providing services pursuant to this article may~~
19 ~~maintain records in electronic format only if the original documents~~
20 ~~were created in electronic format. Records that may be created in~~
21 ~~electronic format and maintained electronically include, but are~~
22 ~~not limited to, the following: electronically, in compliance with~~
23 ~~state and federal standards, as determined by the department.~~
24 ~~(1) Child immunization records.~~
25 ~~(2) Parental job verification records.~~
26 ~~(3) Parent income verification.~~

1 ~~(4) Parent school or training verifications and attendance~~
2 ~~records.~~

3 (b) Pursuant to Section 33421, the ~~original~~ records shall be
4 retained by each contractor for at least five years, or, where an
5 audit has been requested by a state agency, until the date the audit
6 is resolved, whichever is longer.

7 ~~(c) Nothing in this section requires~~ *This section does not require*
8 an alternative payment program or provider to create records
9 electronically.

10 SEC. 2. Section 8227.5 is added to the Education Code, to
11 read:

12 8227.5. Alternative payment programs and providers operating
13 or providing services pursuant to this article may use an electronic
14 ~~signature~~ *signature that complies with state and federal standards,*
15 *as determined by the department, that can* may be a marking that
16 is either computer generated or produced by electronic means and
17 is intended by the signatory to have the same effect as a
18 handwritten signature. ~~An e-mail~~ *email* signature may constitute
19 an electronic signature.

20 SEC. 3. Section 8262.1 of the Education Code is amended to
21 read:

22 8262.1. (a) Contractors operating or providing services
23 pursuant to this chapter may maintain records ~~electronically~~
24 *electronically, in compliance with state and federal standards, as*
25 *determined by the department.*

26 (b) Pursuant to Section 33421, the records shall be retained by
27 each contractor for at least five years, or, where an audit has been
28 requested by a state agency, until the date the audit is resolved,
29 whichever is longer.

30 (c) This section does not require a contractor to create records
31 electronically.